

From: John Bekas Jr
To: Microsoft ATR
Date: 12/16/01 2:40pm
Subject: DoJ vs Microsoft settlement

Dear DoJ-

I am writing to you in response to the settlement terms of the antitrust case against Microsoft. I am extremely disappointed with the outcome, as Microsoft is receiving little or no punishment for their actions.

As a software developer in Chicago, Illinois, I am sorely disappointed that the federal government and my own state government have given up the fight and have decided to settle on terms favorable to Microsoft. The courts have ruled that Microsoft is indeed a monopolist. Not only that, they ruled that Microsoft abused this monopoly. Therefore, I believe Microsoft should be treated accordingly.

I understand that ongoing court cases take time and cost a lot of money. Plenty of both have been invested over the past few years of litigation. However, coming to a settlement favorable to Microsoft, such as this one is, is equivalent to throwing away all of the time and money invested in the case.

One example of abuse I experienced came about a few years ago when I was purchasing a new computer from Dell. At the time, IBM's OS/2 Warp was an alternative operating system which I was interested in running on my new system. When asked if I could receive my computer with OS/2 Warp installed instead of Windows 95, the sales person said no. When asked if I could receive my system with no operating system installed, the sales person again said no. When I persisted, the sales person changed his attitude and said that I could get the system without an operating system installed; however, the system cost remained the same. I was unable to purchase a new system without paying Microsoft for software that I had no intention of using.

I have no idea whether this situation has changed in the past few years. Instead, I have discovered that if I assemble a system on my own, no software is included. Unfortunately, a typical computer generally does not have this option.

As for software and bundling, I believe Microsoft abuses this power greatly. Although the common person probably does benefit from the inclusion of Web Browsers, Media Players, Image Manipulation Tools, etc., many power users uninstall these "freebies," and instead opt to purchase more fully functional software. Unfortunately, these users are forced to pay for the included software in order to upgrade their

operating system. If Microsoft was truly interested in including software that was of use to a majority of users, why do they not include Microsoft Word or Microsoft Excel with their operating system? I would imagine that more people probably use a word processor or spreadsheet than Media Players or Image Manipulation Tools. My guess is that Microsoft no longer has any competition in these markets and has no incentive for forcing their use. When is the last time someone sent you a document in Word Perfect format?

I also want to touch on the proposed settlement of the Class Action lawsuits currently being proposed by Microsoft. Please do not let them extend their monopoly further by allowing them to install \$1 billion of their software in needy schools. Instead, let Microsoft donate their money and let the schools decide which solutions they are interested in buying. Apple Computer has focused on software designed for children and they should be given a fair opportunity to compete for installation rights in these schools. RedHat Software is willing to donate free software (with no time limit) to these schools if the settlement money is given in the form of hardware and not software. Any of these alternative options will increase competition and will not just help Microsoft extend their grasp to new areas.

In closing, I think that the proposed solution from the remaining states in the antitrust case is much better suited to the crimes committed. In particular, I'm referring to the stricter punishments for non-compliance that the states are requesting -- namely, the opening of source code to the Windows OS if Microsoft is found to be continuing its anticompetitive behavior during the next few years.

Thanks,

John Bekas, Jr.
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